

DECLARATION AND POWER OF ATTORNEY

COPY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHOD AND APPARATUS FOR PEST DETERRENCE** the specification of which x is attached hereto or was filed on as Application No. and was amended on (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

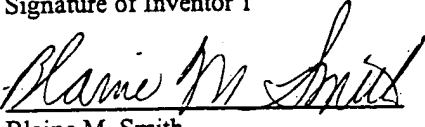
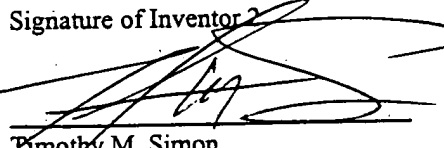
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

George Schwab, Reg. No. 25,748
Chun Pok Leung, Reg. No. 41,405

Send Correspondence to: George M. Schwab TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor San Francisco, California 94111-3834	Direct Telephone Calls to: (Name, Reg. No., Telephone No.) Name: Geore M. Schwab Reg. No.: 25,748 Telephone: 415-576-0200
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Full Name of Inventor 1:	Last Name: SMITH	First Name: BLAINE	Middle Name or Initial: M.	
Residence & Citizenship:	City: Portland	State/Foreign Country: Oregon	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 10013 Southeast Clatsop	City: Portland	State/Country: Oregon	Postal Code: 97266
Full Name of Inventor 2:	Last Name: SIMON	First Name: TIMOTHY	Middle Name or Initial: M.	
Residence & Citizenship:	City: San Francisco	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 110 Pacific Avenue, #168	City: San Francisco	State/Country: California	Postal Code: 94111

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2 
Blaine M. Smith	Timothy M. Simon
Date 4 / 10 / 2001	Date 16 Apr '01

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HAYNES BEFFEL & WOLFELD LLP

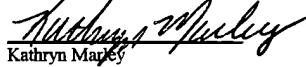
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I hereby certify that this correspondence is being transmitted
via facsimile to Technology Center 2600, USPTO to (703)
872-9314 on October 24, 2002.


Kathryn Maples

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Blaine M. Smith et al.	Attorney Docket No.: TIMS 1003-1 (formerly 10834-004300US)
Application No.: 09/844,065	Examiner:
Filed: 26 April 2001	Group: 2632
Title: Method and the Apparatus for Pest Deterrence	Confirmation No.: 9584

**POWER OF ATTORNEY BY ASSIGNEE TO EXCLUSION OF INVENTOR
UNDER 37 C.F.R. ' 3.71 WITH REVOCATION OF PRIOR POWERS**

Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned ASSIGNEE of the entire interest in the above-identified application for letters patent hereby appoints:

James F. Hann	- Reg. No. 29,719
Mark A. Haynes	- Reg. No. 30,846
Ernest J. Beffel, Jr.	- Reg. No. 43,489
Warren S. Wolfeld, Esq.	- Reg. No. 31,454
Bill Kennedy, Esq.	- Reg. No. 33,407.

to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. ' 3.71.

In addition, please note the new Attorney Docket No.: TIMS 1003-1.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

Application No.: 09/844,065

___ a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or

x the Assignment recorded on 30 July 2001 at reel/frame: 012032/0670

Pursuant to 37 C.F.R. ' 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

Direct all telephone calls to James F. Hann, Esq., at (650) 712-0340.

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ASSIGNEE: Tim Simon, Inc.

A handwritten signature in black ink, appearing to read 'Tim Simon', is written over a rectangular area of the document that has been shaded with a light gray dot pattern.

Signature:

Name: Timothy M. Simon

Title: President

Date: 4 October 2002